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Message Text

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43
ACTION AF-10

INFO OCT-01 ISO-00 PM-03 NSC-05 SP-02 SS-15 RSC-01 L-02

CIAE-00 DODE-00 INR-07 NSAE-00 PA-02 USIA-15 PRS-01

/064 W
---------- 037322
R 081300Z NOV 74
FM AMCONSUL DURBAN
TO SECSTATE WASHDC 1838
INFO AMEMBASSY PRETORIA
AMCONSUL JOHANNESBURG
AMCONSUL CAPE TOWN

UNCLAS DURBAN 0397

CAPE TOWN ALSO FOR EMBASSY

E;O. 11652: N/A
TAGS; PINS, SF
SUBJ: SOME DETAINED SASO/BPC LEADERS CHARGE POLICE
BRUTALITY

REF: DURBAN A-101; CAPE TOWN 655

1. SUMMARY:
ATTORNEY FOR SEVERAL OF SASO/BPC LEADERS ARRESTED FOLLOWING ABORTIVE PRO-FRELIMO RALLY HAS REQUESTED PRETORIA SUPREME COURT RESTRAIN POLICE FROM ASSAULTING THEM. POLICE DENY CHARGES AND STATE DETAINEES HAVE NEVER COMPLAINED ABOUT TREATMENT.
END SUMMARY

2. S.M. CHETTY, DURBAN ATTORNEY FOR MANY OF THE SOUTH AFRICAN STUDENTS' ORGANIZATION (SASO)/BLACK PEOPLES CONVENTION (BPC) LEADERS DETAINED UNDER TERRORISM ACT FOLLOWING ABORTIVE DURBAN PRO-FRELIMO RALLY SEPTEMBER 25, HAS REQUESTED PRETORIA SUPREME COURT RESTRAIN POLICE FROM ASSAULTING DETAINEES. IN AFFIDAVIT, CHETTY DETAILED CHARGES
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OF MALTREATMENT GIVEN HIM BY DETAINEE SATHASIVAN COOPER

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(FORMER BPC PUBLIC RELATIONS OFFICER) DURING INTERVIEW IN PRETORIA PRISON OCTOBER 22. CHETTY WAS SURPRISINGLY ALLOWED SEE COOPER, IN PRESENCE OF POLICE OFKICER, TO DISCUSS AN UNRELATED CASE IN WHICH HE IS INVOLVED. DURING OCCASIONAL BRIEF PERIODS WHEN POLICE OFFICER LEFT CELL, COOPER TOLD LAWYER HE AND OTHER DETAINEES WERE BEING "BRUTALLY ASSAULTED".

3. ADDITIONAL AFFIDAVITS FILED BY PARENTS OF FOUR DETAINEES (INCLUDING ZWELIBANZI MABANDLA, TRANSKEI MINISTER OF AGRICULTURE) REQUESTED COURT PROHIBIT POLICE FROM USING UNLAWFUL METHODS DURING INTERROGATIONS. AFFIDAVITS BASED ON INFO REACHING PARENTS FROM CHETTY.

4. IN RESPONSE TO CHARGES POLICE HAVE FILED AFFIDAVITS DENYING ANY MALTREATMENT OF PRISONERS. DOCTOR WHO OFFICIALLY EXAMINED DETAINEES STATED HE FOUND NO INDICATIONS OF ASSAULTS DURING WEEKLY EXAMINATIONS, NOR HAD DETAINEES COMPLAINED OF MALTREATMENT.

5. ADVOCATE FOR DETAINEES STATED LEGAL PROVISIONS EXISTED FOR COURT TO OBTAIN ACCESS TO PERSONS DETAINED UNDER TERRORISM ACT AND REQUESTED COURT TAKE AFFIDAVITS FROM DETAINEES. JUDGMENT IN CASE WILL BE RENDERED NOVEMBER 11.

6. COMMENT: CHARGES OF POLICE BRUTALITY CONSISTENT WITH RUMORS CURRENT IN DURBAN FOR SOME TIME THAT DETAINEES BEING MALTREATED. MOST UNUSUAL THAT POLICE ALLOWED LAWYER ACCESS COOPER. BECAUSE OF CURRENT FUROR, POLICE WILL PROBABLY NOT BE SO GENEROUS IN FUTURE.

7. BECAUSE SOUTH AFRICAN LAW PROHIBITS PUBLIC COMMENT ON PRISON CONDITIONS EVEN BY ATTORNEYS, ONLY METHOD AVAILABLE TO AIR CHARGES OF BRUTALITY IS IN JUDICIAL PROCEEDINGS. THIS SERVES AIMS OF DETAINEES BY PERMITTING NEWSPAPERS TO PUBLICIZE CHARGES, WHICH, IF AIRED IN ANY OTHER FORUM, WOULD BE ILLEGAL TO PRINT AND THEREFORE RECEIVE ONLY LIMITED DISSEMINATION.
HOLMES

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